

REMARKS

Summary of patentability issue

The rejected claims have been canceled, and new Claims 34-50 have been added, which are patentable over the cited art. Therefore, is the case now in allowable form?

Status of the Claims

Claims 29, 31, 33 and 34-50 are pending in the present application, with Claims 29, 33, 34, 40 and 44 being independent. Claims 2-28, 30, and 32 have been canceled without prejudice. Claim 29 has been amended. Claims 34-50 have been added.

Requested Action

Applicant requests favorable reconsideration of the subject application in view of the foregoing amendments and the following remarks.

Applicant also respectfully requests that this Amendment be entered. This Amendment could not have been presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the examiner's familiarity with the application, Applicant believes that a full understanding and consideration of this Amendment would not require undue time or effort by the examiner. Moreover, for the reasons discussed below, Applicant submits that this Amendment places the application in condition for allowance. At the very least, it is believed to place the application in better form for appeal. Accordingly, entry of this amendment is believed to be appropriate and such entry is respectfully requested.

Allowable subject matter

Applicant gratefully acknowledges the allowance of Claims 27-33 and the indication that Claims 16-20 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form.

Substantive Rejection

Claims 2-15 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent No. 6,154,322 (Nakayama) in view of U.S. Patent No. 6,014,268 (Yahagi).

Response to substantive rejection

In response, while not conceding the propriety of the rejection, Claims 2-28, 30, and 32 have been canceled without prejudice.

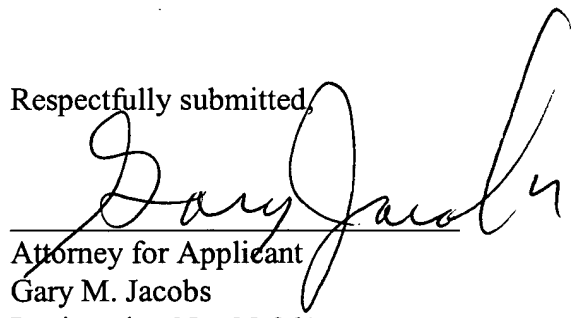
In addition, Applicant submits that added Claims 34-50 are allowable over the cited art because the cited art is not understood to disclose or suggest a second lens unit consisting of, in order from the object side to the image side, a positive lens element, a negative lens element and a positive lens element, as recited by independent Claim 34, a first lens unit consisting of, in order from the object side to the image side, a negative lens element, a negative lens element and a positive lens element, and a second lens unit of positive refractive power, the second lens unit having a positive lens element located closest to the object side and consisting of two positive lens elements and a negative lens element, as recited by independent Claim 40, or a first lens unit of negative refractive power located closer to the object side than any lens units of the zoom lens,

and a second lens unit of positive refractive power, the second lens unit comprising a plural of lens elements and having a positive lens element located closest to the object side as recited by independent Claim 44.

In view of the above amendments and remarks, the claims are now in allowable form and entry of this amendment is considered proper. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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MARKED-UP CLAIM SHEET

29. A zoom lens comprising, in order from an object side to an image side,
a first lens unit of negative refractive power, located closer to the object side than
any lens units of the zoom lens, said first lens unit consisting of, in order from the object side to
the image side, a positive lens element, a negative lens element, a negative lens element and a
positive lens element; and
a second lens unit of positive refractive power, said second lens unit consisting of
three positive lens elements and a negative lens element,

wherein the separation between the first lens unit and the second lens unit is
varied during zooming[, and the following condition is satisfied:

$$3 \leq NL1 \leq 4$$

$$NL2 \leq NL1$$

wherein NL1 and NL2 are the numbers of lens elements comprising the first lens
unit and the second lens unit, respectively].